

Message Text

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43

ACTION OPIC-06

INFO OCT-01 EA-06 NEA-09 ISO-00 EB-07 AID-05 COME-00

TRSE-00 XMB-02 L-02 /038 W
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R 030839Z FEB 75

FM AMEMBASSY COLOMBO

TO SECSTATE WASHDC 2172

INFO AMEMBASSY NEW DELHI

AMEMBASSY KUALA LUMPUR

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E.O. 11652 N/A

TAGS: ENIV

SUBJ: MOTOROLA IN MALAYSIA

PLEASE PASS OPIC FOR HUNT & KRAMISH FROM MORGAN

DELHI PASS OPIC MORGAN

1. OFFICIAL IN MTI ADVISED OPIC REP AND EMBOFF ON JANUARY 30 THAT DECISION HAD BEEN MADE TO DENY MOTOROLA APPLICATION FOR FGA, ON GROUNDS THAT BILATERAL AGREEMENT DID NOT COVER INVESTMENTS BY FOREIGN SUBSIDIARIES OF U.S. CORPORATIONS. IN ENSUING DISCUSSION OPIC REP MADE POINT THAT SEVERAL OTHER PENDING APPLICATIONS WOULD APPEAR FORECLOSED BY THIS POSITION, AND THAT POSITION, INsofar AS BASED ON LEGAL INTERPRETATION, RAISED QUESTIONS ABOUT SEVERAL EXISTING CONTRACTS FOR WHICH FGA'S WERE GIVEN IN PAST. POSSIBLE EFFECTS ON INVESTMENT FLOWS ALSO MENTIONED.

2. OPIC REP TOLD MTI OFFICIALS THAT OIC LAWYER MAY BE COMING TO KUALA LUMPUR SOON ON OTHER BUSINESS, AND SUGGESTED THAT HE DISCUSS LEGAL INTERPRETATION QUESTION WITH GOM REPS (ATTORNEY GENERAL OFFICIAL) IF THIS COULD BE USEFUL. THIS SUGGESTION WAS ACCEPTED, ALTHOUGH
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WITHOUT MUCH ENTHUSIASM. SUBSEQUENT DISCUSSION

INDICATED THAT GROUNDS FOR MOTOROLA DECISION MAY IN FACT HAVE BEEN DUE TO SENSITIVITY AS TO PLACE OF INCORPORATION (HONG KONG) OF PROPOSED INVESTOR AND NOT TO LEGAL INTERPRETATION, AND THAT MTI WAS PREPARED TO ISSUE FGA'S FOR SUBSIDIARIES INCORPORATED IN OTHER AREAS. NEVERTHELESS, QUESTION LEFT SOMEWHAT UP IN AIR. HANDLING OF OTHER FGA REQUESTES MAY GIVE ANSWER. RASUGGEST HUNT BE PREPARED TO FOLLOWUP ON THIS IF HE COMES TO KUALA LUMPUR SOON. ALSO SUGGEST HUNT BRING SEVERAL COPIES OF INSURANCE AND FINANCE HANDBOOKS, REQUESTED BY MTI OFFICIALS.

3. OPIC REP ADVISED DE WEGGER, AND TOLD HIM MTI REPS SAID DECISION WOULD BE COMMUNICATED OFFICIALLY IN NEAR FUTURE.
VAN HOLLEN

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NNN

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